

Message Text

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ORIGIN PM-07

INFO OCT-01 EA-11 ISO-00 L-03 ACDA-19 NSC-07 SP-03 SS-20

RSC-01 CIAE-00 INR-11 NSAE-00 MC-02 OMB-01 TRSE-00

EB-11 IGA-02 /099 R

DRAFTED BY PM/SAS-DNIEMI:DD

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EA/RA - MR. FINCH

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ACDA - MR. FINEGOLD

DOD/DSAA - COL. DAVIS

----- 010310

R 082044Z AUG 74

FM SECSTATE WASHDC

TO AMEMBASSY TAIPEI

INFO SECDEF

CNO

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E.O. 11652: N/A

TAGS: MASS, US, TW

SUBJECT: SALE OF LOAN/LEASE SHIPS TO TOC

REFERENCE: (A) TAIPEI 4017; (B) TAIPEI 1100

1. STATE AND DOD CONCUR IN PRINCIPLE IN THE SALE OF THE FOUR SHIPS TO ROC AS PROPOSED IN PARA 1 OF REF (A). HOWEVER, UNDER THE TERMS OF NEWLY-ADOPTED LEGISLATION GOVERNING SHIP TRANSFERS (THE BYRD AMENDMENT), FINAL APPROVAL OF THE TRANSACTION CANNOT BE GIVEN UNTIL CONGRESS HAS BEEN NOTIFIED OF THE PROPOSED TRANSFERS AND 30 DAYS OF CONTINUOUS SESSION OF CONGRESS HAVE TAKEN PLACE.

2. FYI. THE BYRD AMENDMENT PROVIDES FOR CLOSE CONGRESSIONAL

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SUPERVISION OVER THE SHIP TRANSFER PROGRAM. IT PROHIBITS

ANY TRANSFER OF ANY NAVAL VESSEL IN EXCESS OF 2,000 TONS OR LESS THAN 20 YEARS OF AGE UNLESS THE DISPOSITION THEREOF HAS BEEN APPROVED BY LAW. IN THE CASE OF VESSELS WHICH ARE BOTH UNDER 2,000 TONS AND OVER 20 YEARS OF AGE, NO TRANSFER MAY TAKE PLACE UNLESS THE CONGRESSIONAL ARMED SERVICES COMMITTEES HAVE BEEN INFORMED OF THE PROPOSED TRANSACTION AND 30 DAYS OF CONTINUOUS SESSION OF CONGRESS HAVE ELAPSED. ALL FOUR OF THE VESSELS IN THIS INSTANCE ARE SMALLER THAN 2,000 TONS AND OVER 20 YEARS OLD. IN DETERMINING TONNAGE OF A VESSEL, NAVY INTENDS TO USE THE "LIGHT LOAD DISPLACEMENT" TONNAGE LISTED IN THE NAVAL VESSEL REGISTER. END FYI.

3. YOU MAY INFORM THE ROC INFORMALLY OF THE STATUS OF THE PROPOSED SALE AS DESCRIBED ABOVE. HOWEVER, A FORMAL RESPONSE IN THE FORM OF A DIPLOMATIC NOTE SHOULD NOT BE PROVIDED UNTIL THE BYRD AMENDMENT REQUIREMENTS HAVE BEEN MET, AT WHICH TIME YOU WILL BE PROVIDED THE TEXT TO BE USED IN THE NOTE.

4. YOU MAY ALSO INFORM THE ROC THAT THE SALE PRICE WILL BE \$200,000 EACH FOR THE THREE DESTROYERS AND \$250,000 FOR THE DUKES COUNTY, PLUS A 2 ADMINISTRATIVE CHARGE. WE REGRET THAT WE CANNOT DEFER PAYMENT AS REQUESTED IN REF (B). SECTION 21 OF THE FOREIGN MILITARY SALES ACT REQUIRES THAT PAYMENT SHALL BE MADE IN ADVANCE. PAYMENT MAY BE DELAYED UP TO 120 DAYS AFTER DELIVERY IF THE PRESIDENT DETERMINES SUCH A DELAY IS IN THE BEST INTERESTS OF THE UNITED STATES. KISSINGER

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